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ABSTRACT

The progress states have made toward fulfilling their requirements under Title I of the Improving America's Schools Act is reported. Some states are reporting that they have developed content standards for some subjects, but not for others. In some states, both local school district and state standards are being developed. In all, 43 states had content standards in mathematics as of January 1998, and 42 states had content standards in English language arts. By July 1998, the Department had approved the strategies and timetables for performance standards of 20 states and Puerto Rico toward implementing the kinds of assessments Title I requires, but 30 states and the District of Columbia were without an approved process for developing performance standards. By the time the law was enacted, a number of states had already made significant progress toward implementing the types of assessments Title I requires, but many states had not, and many were silent on the subject of inclusion of limited-English-proficient students in assessment. Other assessment issues considered by some states and ignored by others were including native language assessments, assessing disabled students, and the disaggregation of assessment data. The accountability of states during the transition period is also discussed. Overall, states present a very mixed picture with regard to the requirements of Title I. (SLD)

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Title I in Midstream
State Examples

By Citizens' Commission on Civil Rights

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Title I in Midstream

State Examples

STANDARDS

High Standards Only in Some Subjects

- In its consolidated state plan, **Delaware** informed the Department that it had developed content standards in mathematics, English language arts, science, and social studies in June 1995, and was developing standards in additional subjects. The state also reported that assessments linked to these standards were being developed, and would be used for Title I purposes beginning in the 1998-99 school year. Until then, the state said, it would use a transitional assessment for Title I accountability in math and reading/ language arts. The difficulty is that the state furnished the Department no evidence that it intended, once final assessments were up and running in science and social studies, to include their results in the state's Title I accountability system. In fact, the plan is completely silent on the matter. So the Department has no assurance that, as required by Title I, students will be expected to master the broad range of material expected by the state for all its students.

- **Kansas** has content standards in mathematics, science, social studies, reading, and writing which are aligned with the Kansas Assessment System. But the state plan requires only that reading and math scores be used to determine whether Title I schools are making adequate progress.

- Although **Virginia** indicated in its state plan that it had adopted standards in a wide range of subjects (including English, mathematics, history and social sciences, and science), and discussed plans to develop assessments aligned with these standards, the plan limits Title I accountability (and school improvement) during the transition period to mathematics and reading/ language arts. The plan does not clearly specify, and the Department did not ask, when, or whether, the state will expand its Title I accountability system to include other subjects once final assessments are in place.

The Local Option: Dual Standards Within States

- The Department unconditionally approved **Arizona**'s plan to have statewide content standards, but to let districts define their own Title I performance standards.)

- **Alaska** is a state which not only allows, but actually encourages, local standards. The state circulates model state standards to guide local school districts, but their adoption by districts is voluntary. Districts may discard the models and start from scratch. As late as July 10, 1997, the State had still not devised a way to ensure that Alaska's local districts' standards equaled or

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exceeded the model state standards. In its own report reviewing federal education programs operating in the state, the Department noted at the outset: "The State must establish a process ... to determine that LEAs [local educational agencies, i.e., school districts] set standards for themselves that meet or exceed [state standards]...." But, in the portion of the report spelling out specific steps needed to correct Title I compliance problems (and giving the state 60 days to respond), the Department required no corrective action. Further, the standards which are adopted may not be taken seriously. In the same review, the Department also found that the Matanuska-Susitna Borough school district, which purported to have adopted the state's standards, did not actually apply them. The curricula had not been aligned with state standards; "staff members produced desired outcomes that were not tied to the standards"; and there were no plans to align curricula and assessments to state standards.

- **California** had no statewide standards in English and mathematics until December, 1997. Until that time, each of the state's 1,052 school districts was left to develop its own standards, and even now, adoption of state standards is voluntary. Districts may choose to develop and use their own standards. While theoretically local standards must be as rigorous as the state's, the reality often may be quite different. For example, the *Sacramento Bee* reported that the absence of standards in Sacramento schools "translates into a subculture of partially grasped concepts and diminished expectations: first-grade teachers whose goal is for students to learn half the alphabet; third-grade teachers who give up trying to get students to memorize the multiplication tables, hand out cheat sheets and move on; fifth-grade teachers who read the social studies text aloud because the students can't understand it on their own; middle-school teachers who assign posters for projects because the student's can't write reports."

- **Colorado** has developed "model" content standards in six subject areas "to ensure a consistent level of educational quality, and race and gender equity throughout the state," but each local district could define what its students should know and be able to do in content areas. Are standards for Denver students -- more than 50% of whom are eligible for the federal free-lunch program, 20% are limited English proficient, and 70% of whom are minorities -- the same as students in predominantly white and affluent districts? In the course of reviewing Colorado's plan, the Department did not ask and does not know. Nor does the Department collect or assess information that may have a bearing on the standards actually being applied locally. In a classic case of the right hand not knowing what the left hand was doing, the Department did not take account of the fact while its Title I office was reviewing Colorado's plan, its own Office for Civil Rights (OCR) was investigating the Denver Public Schools for possible civil rights violations that were substantially related to Title I compliance. OCR ultimately found that Denver's bilingual program did not comply with Title VI of the Civil Rights Act of 1964 because, among other reasons, the district failed to identify limited-English proficient students, used unqualified teachers, and did not follow up with students who had exited the bilingual program. These findings were issued in final form by OCR shortly after the Department's Title I office gave the state a free pass for the remainder of the authorization period, by removing conditions on its state plan. OCR since has referred the matter to the Department of Justice because it had been unable to negotiate a compliance agreement with the district.

- In its state plan, **Virginia** presented broad, generalized content standards, leading peer reviewers to question their workability: "Does Virginia have more detailed guidance concerning content standards that it will provide to LEAs? If there is no other guidance and each LEA is given the

flexibility of defining for itself what each of these broad content standards means and at what grade levels it applies, how will Virginia align its assessment with what is being taught?" Virginia then clarified that standards are set at the state level, but they are optional for local districts, which have their own standards and can choose to conform them to state standards (or not).

Content Standards

- 43 states had content standards in mathematics, as of January, 1998.
  Council of Basic Education concluded that, of these states:
  - 16 states had very rigorous standards
  - 24 states had rigorous standards
  - 3 states had less than rigorous standards.

- 42 states had content standards in English language arts, as of January, 1998.
  Council of Basic Education concluded that, of these states:
  - 7 states had very rigorous standards
  - 21 states had rigorous standards
  - 14 states had standards of very low rigor.

The Default on Performance Standards

Initial Plan Reviews: Plans Approved Without Standards

- Reviewers of the **District of Columbia's** plan noted that it had "student performance standards in writing, but a plan for developing similar standards for any other curricular area was not found." The Department approved the District's plan *without performance standards*, and without even the condition that they submit a strategy for developing performance standards.

Inadequate Performance Standards

- In its consolidated state plan, **New Mexico** outlined three levels of performance as required by Title I: "advanced," "proficient," and "partially proficient." But these levels were no more than cut-scores on the transitional assessment, a standardized test, proposed for the purpose of satisfying interim accountability requirements. For example, in grades 3, 5, and 8, students would be considered "partially proficient" even if they ranked as low as the 1st percentile on the reading comprehension and math portions of the Iowa Test of Basic Skills (ITBS), a norm-referenced test. (The state defined "partially proficient" as scores between the 1st and 39th percentiles). Such a standard is not set at the high level called for under the law. Nor were these standards aligned with state content standards. Therefore, they did not constitute valid performance standards within the meaning of the law. But the Department approved New Mexico's state plan on July 1, 1996, and did not condition approval on correcting this defect.

Standards Revisited

- As of July 20, 1998:
  - The Department had approved 20 states' and **Puerto Rico**'s strategies and timetables for the development of performance standards: **Colorado, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, Wisconsin,** and **Wyoming**).
  - 30 states and the **District of Columbia** were without an approved process for developing performance standards.

ASSESSMENTS

The Local Option - Part II

Uniform, Statewide Standards

- At the time the law was enacted, a number of states, including **Indiana**, **Kentucky**, **Maryland**, and **Texas** already had made significant progress toward developing statewide assessment programs, usually based on criterion-referenced assessments (CRTs).

Mixed State and Local Assessment Systems

- In **Colorado**, every school with grades 4, 8 and 11 will participate in the state assessment program at least once every three years. Local assessments related to district standards will also be administered in these same grades by the year 2000. To ensure the comparability of achievement across the state, districts must compare their assessment results with those from the state assessment in the schools in the state sample. (The state sample may not be the same every year because each school needs to participate in the state testing program only once every three years.) While this method provides some safeguards with respect to locally developed standards, it still allows for dilution of uniform state standards and could complicate the identification of schools and districts failing to make adequate yearly progress.

- While **Indiana** has had a statewide assessment since 1987, it has been limited to math and reading/ language arts. Although the state has also had standards in other subjects since the mid-1980s, it has chosen not to have statewide assessments in these subjects, leaving to local school districts the option of whether to test in these subjects and, if so, what assessments to use.

Local Assessments

- **California** declared in its state plans that local school districts would develop their own comprehensive assessment systems during the transition period (which could then supplement the

statewide assessment, once developed). (California since has designated the Stanford Achievement Test, 9th edition (SAT-9), as its statewide assessment. Testing using the SAT-9 began in the 1997-98 school year).

- **Montana** allows each school district to select one of three norm-referenced tests approved by the state Office of Public Instruction. There appears to be no plan for adopting a uniform, statewide assessment.

(Non-)Alignment with Standards

- The **District of Columbia** submitted a plan which contained the vague assurance that "[u]ltimately, [it] will have a comprehensive student assessment system that is aligned with the performance-based curriculum frameworks and includes alternative assessments such as portfolios and student projects." Peer reviewers noted, however, that

  > The District has not described a plan for adopting assessments that are clearly aligned with the District's content standards. The plan discusses the adoption of norm-referenced tests, but does not describe any process for ensuring alignment with the content standards. If the content standards are not aligned with the assessments, teachers may teach one concept and students be assessed on something completely different.

  It should be noted that the Department did not require alignment, or even a strategy for aligning standards and assessments, as a condition of plan approval. Instead, it raised the issue of alignment as a "concern" when reviewing revisions to the District's plan.

Assessing Limited English Proficient (LEP) Students

Inclusion Policies

- An astonishing number of state plans obtained by the Commission were silent on the subject of LEP students' inclusion in assessments, including **Alabama, Colorado, Florida, Hawaii, Kansas, Maryland, Michigan, Missouri, Montana, Nebraska, North Carolina, Ohio, Oregon, Pennsylvania, Washington, West Virginia, Wisconsin, Wyoming**.

- Most other states described or at least mentioned a state policy on LEP inclusion, including the states of **Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Utah,** and **Vermont**. But the vast majority of these states failed to indicate how they would comply with Title I's requirements for inclusion of LEP students, appropriate accommodations, and native language assessments.

- Some states, like **California, Indiana, Minnesota,** and **South Carolina**, said in their plans that they would leave decisions about whether or how to include LEP students to local school districts, leaving virtually no safeguards against unwarranted exclusion of LEP children from the Title I accountability system.

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Deficient State Plans for Inclusion and Accommodation

- **Virginia**'s state plan contained no description of how (or whether) LEP students would be included in Title I assessments, whether they would be tested in their native languages, or whether students would receive testing accommodations, where appropriate. Apparently recognizing these deficiencies, the peer review panel asked for detail on the last two issues. However, by the time the state received these comments, the Department already had approved the state plan without, conditioning approval on curing these deficiencies. And when the state submitted plan amendments, it informed the Department that

> No process has been established by the state to identify languages other than English that may be spoken by students, regardless of the programs under which they may be served (e.g., Title I, Part A). Local school divisions, however, bear the responsibility of putting into practice the processes and procedures necessary to enable effective communication both in the provision of academic and educational services to students, and between the schools and parents.
>
> Based on the Virginia Constitutional provision that English is the language of the Commonwealth, it has been the consistent direction of the Board of Education that assessments will be provided in English only. The Assessment Policy Advisory Committee has recently reviewed the current policies related to LEP students and the new assessment program. The draft of their findings is not complete nor has it been approved at this time.

Although an undated Department staff memo indicated a "major concern" with Virginia's position on LEP assessment, no enforcement action was recommended, or taken, to the knowledge of the Citizens' Commission.

- In response to questioning by the Department on a number of educational equity issues, the **Indiana** Department of Education reported that while its total school enrollment had declined by six percent, the number of LEP and language minority students in the state had increased by 78 percent in eight years. Despite this growing LEP population, Indiana submitted a plan which did not comply with the new Title I law by providing for full inclusion in assessments, accommodations, and native language assessments, where appropriate. Instead, the plan said that the state would allow LEAs to exempt LEP and disabled students from participation in the state assessment, "based on their proficiency with the language and/or their Individual Education Plan." The plan went on to say that when LEAs and schools develop standards and assessments for LEP students, they "are assisted in developing tools that are appropriate for these students," and provided that "alternative assessments that are performance based are to be tied to the same content standards as the mainstream." The Department approved Indiana's plan without any conditions related to LEP or disabled students' assessment.

No Native Language Assessments

- A number of states exclude LEP students from assessments in subjects other than English for a number of years, although the law does not expressly permit them to do so. **Illinois** is one of these states. Illinois' plan provided that it would exclude LEP students for up to three years from the IGAP, the state assessment, while they attend bilingual classes. During this time, the state planned to assess such children in English proficiency, but in no other subject (although

presumably the children would be taught more than just English). The state plan explicitly admitted that Illinois "will not be translating tests into other languages" for its large LEP population, and conceded that until such children were deemed ready to take the English-only IGAP, "there will be no data about mathematics ability."

- Noting that 100 languages were spoken by its students, **Connecticut**'s state plan maintained that it was "not feasible to develop assessments in languages other than English" and exempts English language learners enrolled in bilingual or English as a Second Language classes for less than three years.

- Many states, including some with large numbers of LEP students, expressed no intent to institute statewide assessments in languages other than English. Peer reviewers of **New Mexico**'s plan, for example, noted as a plan weakness that there was "[n]o mention of non-English tests except in [discussion on optional] local assessment .... This is a serious concern given the demographics of New Mexico."

Plans Including Native Language Assessments

- Unlike many of their compatriots, several state plans at least *said* that they would develop or use native language assessments. These states included **Alaska**, **Arizona**, **California**, **Delaware**, **Louisiana**, **Nevada**, **New Jersey**, **New York**, **North Dakota**, **Oregon**, **Rhode Island**, **South Dakota**, and **Texas**. However, in many cases even these plans were inadequate. For example, a number of states, including **California**, placed the burden on local districts to develop or procure suitable native language assessments. Further, two years after states submitted these plans, many states still have not developed native language assessments.

Assessing Disabled Students

- Many state plans made no mention of a policy for including disabled students in state assessments. At best, they noted that accommodations would be provided. These included states like **Colorado**, **Hawaii**, **Louisiana**, **Michigan**, **Mississippi**, **Missouri**, **Montana**, **New Mexico**, **North Carolina**, **North Dakota**, **Oregon**, **Pennsylvania**, **Rhode Island**, **South Carolina**, **Virginia**, **Washington**, **West Virginia**, **Wisconsin**, and **Wyoming**, as well as **Puerto Rico**.

- In states whose plans did provide for inclusion, the inclusion policy was often vague or unclear. For example, state plans frequently were vague about whether inclusion provisions applied to transitional assessments, final assessments, or both. They omitted criteria for excluding students with disabilities. Or they neglected to describe what accommodations, if any, they would provide. States in this category include **Arizona**, **California**, **Connecticut**, **Delaware**, **Idaho**, **Indiana**, **Kansas**, **Maine**, **Massachusetts**, **Nevada**, **New Hampshire**, **Ohio**, **Oklahoma**, **South Dakota**, **Tennessee**, **Utah**, and **Vermont**.

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Disaggregation

After Final Assessments in Place

- Only a few states' plans and **Puerto** Rico's clearly said that the results of their final assessments would be reported by all six categories. These states included: **Alabama, Illinois, New York, Ohio, Oklahoma, Oregon, Pennsylvania, West Virginia,** and **Wyoming**.

- Many plans approved by the Department were completely silent with respect to disaggregation of final assessment results, including the **District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Massachusetts, Mississippi, Montana, Nebraska, New Mexico, North Carolina, South Carolina, Tennessee, Vermont, Virginia,** and **Washington**. Many plans were approved without a clear commitment to report final assessment results by the required categories.

    - Some states, like **Delaware, Kansas, Kentucky, Maine, Maryland, Missouri, New Jersey, North Dakota,** and **Rhode Island**, mentioned only some of the required categories.
    - Others (such as **Michigan** and **New Hampshire**) flatly stated that they would disaggregate -- but did not say by which categories.
    - Still others, like **Louisiana, Minnesota,** and **Nevada**, were unclear or vague.

ACCOUNTABILITY

Accountability During the Transition Period

Poor Transitional Criteria

- **Washington**, during the transition period, proposed to identify schools and districts in need of improvement by using reading and math scores from the "current state testing program" in Grades 4 and 8, and results from math and English in grade 11. (The state will be piloting a new assessment during the transition period). The state proposed to identify as "potential candidates" for district improvement those districts that do not reduce, over a two-year period, "the percentage of students scoring at or below the 25th percentile in either reading or math." But the plan failed to specify on what, if any, basis Washington will actually place its candidates in district improvement. As for schools in need of improvement, the state again set no definitive criteria, but merely said it would assist districts in identifying schools in need of improvement. A panel of three peer reviewers questioned, "Will this criterion lead to high standards for all students?" The panel apparently recognized that the state had set a rather low and fuzzy bar for school improvement, and did not intend to require any substantial progress. Yet modification of transitional improvement criteria was *not* a condition of plan approval.

- **West Virginia**'s original plan simply defined adequate yearly progress as "grade level achievement at the elementary level and standardized test achievement at or above the 50th percentile at the secondary level," with no further explanation. When the Department required further clarification of the transitional criteria, the state outlined the following process for

identifying schools and districts for program improvement: In 1995-96, schools were "red-flagged" for possible improvement status if their scores on the CTBS (a standardized test) "fell below the 50th percentile in total reading and/or total math at grades 3, 6, 9, 11"; in 1996-97 and beyond, schools would be identified for program improvement if their aggregate test scores on the Stanford (another standardized test) fall below the 50th percentile in total reading and/or total math in every grade 3-11. This process, however, is a straight "cut off" system, requiring neither continuous nor substantial improvement. It provides no inducement to schools or districts to get all children to a high standard of proficiency, and it tolerates continued low achievement of many students who are not expected to improve. As long as aggregate scores remain at a mediocre level, the school district avoids being identified for improvement.

Better Transitional Criteria

- **New York** will require at least 90% of students in a school to score above a state reference point on tests in reading or math. (Students who score below this point will be identified for remediation). If a school does not meet this level of performance, it would need to make adequate yearly progress toward meeting that standard by closing one fifth of the gap between the actual performance and the desired performance within two years, and by another 1/5 in each successive year. Schools not meeting the state's substantial improvement requirements will be targeted for improvement until the standard is met.

State vs. Local Definitions of Adequate Yearly Progress (AYP)

- In its consolidated plan to the Department, the **California** Department of Education ("CDE") proposed to permit each of its more than 1,000 school districts to set their own standards for school progress. On July 1, 1996, following peer review, the Department rejected this proposal by provisionally approving the plan with the condition that California cure this deficiency and report on its efforts to do so by September 30th. To its credit, over the course of the next year, as it negotiated back and forth with the state, the Department steadfastly held to its position that the state, not school districts, must set the standards for performance and define adequate yearly progress. In a strongly-worded letter in February 1997 to the CDE's Education Technology Office, the Department clearly explained its position, cautioning that the state "must ensure that some LEAs do not set less challenging standards than other LEAs in the State."

  Although the Department received no fewer than seven drafts of California's proposed guidance to school districts on Title I accountability, the state never changed its position on local accountability standards. The seventh and last version of the state's guidance was faxed to the Department for approval on May 13, 1997, *four days after* it had been posted on the state education agency's web page and disseminated to districts. While containing language recommending that certain numerical standards be used by districts to identify schools in need of improvement, this version still did not comply with the law.

  Following receipt of this draft, the Department removed the conditions on the California plan without any real showing that the deficiency identified one year earlier had been corrected. As a result, federal dollars continued (and continue to this day) to flow to the State of California despite clear evidence in the Department's possession that California officials are acting in disregard of a key provision in the law. An undated note in the Department's file indicating

approval of the state's accountability guidelines indicates: "California needs to provide report on the results of its process for identification of LEAs in need of improvement for insuring consistency in the identification of schools in need of improvement." But, as matters were left, the Department had no reliable way of knowing whether expectations for student performance in the state's 1,052 school districts are even remotely comparable from one district to the next, nor is it clear that the state could make that determination.

It may be noted that California, having repealed its affirmative action policy, does not follow multiple standards in admitting students to the state university system. Accordingly, students graduating from school districts with lower standards may be at a real competitive disadvantage in applying to state universities.

- **Colorado** has implemented a state assessment, but also allows districts to develop their own transitional assessments using state criteria. District officials must determine four performance standards for their assessments: "in progress" (apparently a euphemism for "not proficient"), "partially proficient", "proficient" and "advanced". The state defines adequate progress as a total yearly increase of at least 10% at the "proficient" and "advanced" levels combined, *or* a 10% increase in the "partially proficient", "proficient", and "advanced" levels combined. However, if every district defines these levels differently, what is "in progress" in one district could be "partially proficient" in another. Further, as one reviewer noted, under the second alternative, a school could make adequate progress without any increase in students performing at the "proficient" and "advanced" levels: a school simply would have to move students from "in progress" to "partially proficient"! The reviewer also noted that there was no state review of how districts set their performance levels, which the Department required even when the draft guidance allowed locally-established criteria. But since this "problem" had not been identified and raised with state officials in the original review process, the Department determined that it was not going to require Colorado to revise its transitional procedures, and instead would simply raise it as a concern.

- When the finalized **Delaware** State Testing Program goes into effect in the 1998-99 school year, districts will establish their own procedure for adequate yearly progress based on district assessment procedures. The state department of education "will review that data and establish acceptable levels for each district." Title I students will be expected to perform at the same level as non-Title I students *in that district*, but the plan contains no real assurance that the same high expectations for all students will apply in all districts.

Measuring the Progress of Poor and LEP Students

Deficient Plans

- Many state plans, such as **Arkansas**, **California**, **Illinois**, **Massachusetts**, **New Jersey**, **Ohio**, **South Dakota**, and **Wyoming**, were silent on whether or how poor and LEP students would be included in the accountability system.

- Others, like **Hawaii** and **South Carolina**, were unclear.

- Some states, for example **Vermont**, addressed economically disadvantaged students but not those

with limited English proficiency.

- No state fully satisfied the law's requirements.

Focusing attention on the progress of poor and LEP students

- **Alaska** will determine adequate yearly progress by considering a combination of: "1. Percent of all students judged proficient, 2. percent of economically disadvantaged students judged proficient," and "3. percent of LEP students judged proficient. The state pledged that "[s]tudent data will be disaggregated by at least LEP and economically disadvantaged and districts whose Title I students are not making adequate progress will not be able to achieve an adequate progress designation even if the schools' average progress is sufficient."

- Under **Arizona**'s plan, the state will set student achievement "milestones" which will apply "*to all disaggregated subgroups* (e.g., gender, ethnicity, migrant or LEP status) to ensure equal progress across groups. Advancements in student performance must be measured in this way so that *average* student performance does not mask the challenges or obstacles that may b[e] faced by children who are intended to benefit from the strategies and activities described in this Plan." However, Arizona does not require separate progress for disaggregated groups during the transitional period. Instead, the plan proposes to close, by an unspecified percentage, the gap between the baseline (the percentage of students achieving proficiency or advanced proficiency in the spring of 1996) and 100% of all students achieving proficiency and advanced proficiency. The Department did not request, and Arizona never sent, any information indicating that the state had determined the requisite percentage of progress during the transition period.

- **Texas** requires districts to make adequate yearly progress by attaining an "academically acceptable" rating. To gain that rating in the 1996-97 school year, at least 35% of all students *within each student group* (African American, Hispanic, White, and Economically Disadvantaged), as well as all students, must pass each section of the state assessment. The required percentage of passing students will be raised by 5% each year until 50% is reached in the year 2000.

Defining Adequate Yearly Progress

Progress Must Be Continuous

- **Missouri** is one of the few states whose plan embodies the concept of continuous improvement, although the rate of progress is fairly slight. Its transitional measure of adequate yearly progress requires schools (1) to increase by at least 5% the percentage of children scoring in the top three quintiles and (2) to decrease by at least 5% the percentage of children scoring in the bottom quintile on the state assessment; however, Missouri raises the bar for the poorest-performing schools by requiring at least a 20% decrease in the percentage of students in the lowest quintiles at schools in which at least 40% of the class group is represented in the fifth quintile. There is no cut-off score, and schools must focus on students at both the bottom and the top of the score distribution.

Cut Scores Rather Than Continuous Progress

- **Indiana** does not require either continuous or substantial improvement; rather, its plan establishes a "cut score" for adequate yearly progress. Under its system, a school can be considered to be making adequate progress if just over half its students master essential skills.

- Nor does **New Jersey**, in using a cut score, require continuous or substantial improvement. At least for the transitional period, the state will require schools serving the fourth and eighth grades to have only 75% of their students exceeding the minimum level of proficiency in math, reading/ language arts. Districts select a test from the state-approved list.

- **West Virginia's** criteria for the 1996-97 school year and beyond is if a school's aggregate scores in reading and/ or math (on the Stanford Achievement Test) *in every grade level* falls below the 50th percentile. On its face, this definition suggests that if there is a decline *in several but not all grade levels*, the school is not targeted for improvement.

Inadequate AYP Definitions

- In **Georgia**'s first year under the new law, to avoid being classified as in need of improvement, a Title I school only had to improve by 0.1 NCE on the Iowa Test of Basic Skills. After substantial prodding by the U.S. Department of Education, including a warning that the state could not collect funds under the Elementary and Secondary Education Act if deficiencies in its plan were not corrected, Georgia raised the bar. For the 1996-97 school year, schools would be identified as needing improvement if:

  * for schools scoring below the 30th percentile in grades 4-8, the NCE gain was less than 3.0; * for schools scoring between the 31st and 40th percentiles in grades 4-8, the NCE gain was less than 1.0; * for schools in the 41st to 50th percentile range in grades 4-8, the NCE gain was less than 0.5, and * schools above the 40th percentile in grades preK - 3 did not show "some gain" for third graders. * less than 75% of a high school's student passed the math portion, and less than 85% passed the English/ language arts part of the examination required for graduation.

  The revised plan still does not include improvement criteria for the remainder of the transitional period, much less beyond. Like many of these plans, Georgia does not set a high standard that all children are expected to achieve, instead relying upon the NCE, a relative measure of improvement. And although greater gains are expected from lower-performing schools, this system contemplates, at every level of school performance, leaving substantial numbers of children behind.

District Accountability

No District Accountability?

- **Michigan**'s plan provided *no* description or explanation of the criteria for identifying school districts in need of improvement. Although peer reviewers noted this deficiency, the Department approved Michigan's plan without any conditions relating to Title I.

Inadequate Plans for District Accountability

- **New Jersey** did not pledge, as required by law, to make an annual determination of whether districts are making adequate progress. Instead, the state evaluates districts for certification every *seven* years! The state's, based upon 33 indicators (including test scores, attendance rates, facilities, and finances), is far too infrequent. Families in failing districts should not have to wait seven years before monitoring, technical assistance, and other remedies are employed to improve the district.

Identifying Districts in Need of Improvement

- Many states have not yet identified districts needing improvement, including **Alaska**, **Colorado**, **District of Columbia**, **Indiana**, **Ohio**, **Oregon**, **Rhode Island**, **South Carolina**, and **South Dakota**, according to "performance report" filed with the Department in March- May, 1998. Some of these states reported that they were still in the process of identifying schools in need of improvement and cannot identify districts until that process is complete. But others reported that they would not begin the identification process until the 1997-98 school year.

- Some states, including **California**, **Georgia**, **New Hampshire**, **New Mexico**, **Vermont**, and **Washington**, left blank the portion of the report requesting the number of districts identified for improvement. For these states, it is unclear whether their identification process is incomplete, or whether they concluded that no district needs improvement.

- Several states, including **Alabama**, **Florida**, **Maryland**, **North Carolina**, **Utah**, and West **Virginia**, reported that *none* of their districts should be identified for improvement.

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